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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/761,280 | 01/22/2004 | James David Clark | 00169.100676. | 3176 |

5514 7590 02/26/2009

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| EXAMINER | |
|---|---|
| SHIKHMAN, MAX | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2624 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 02/26/2009 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/761,280 | CLARK, JAMES DAVID | |
| | Examiner | Art Unit | |
| | MAX SHIKHMAN | 2624 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *16 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## *Response to Amendment*

1. Applicants' response to the last Office Action, filed 12/16/2008 has been entered and made of record.

2. Applicant's REMARKS omit spec support for "without encoding the inactive scans".

## *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-18 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

> Claims 1, 10-18, "discarding the determined inactive scans without encoding the inactive scans… wherein the inactive scans are not encoded.

This is in contrast with Applicant's Fig4B, 452,458, "Discard Entropy Encoded data". Applicant's PGPUB "[0134] If the entropy encoded stream that just became inactive is the current scan stream (the YES option of step 456), then in step 458 the 1 byte word of entropy encoded data is discarded".

5. Claims 1-18 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1, 10-18, "discarding the determined inactive scans without encoding the inactive scans… wherein the inactive scans are not encoded.

This is in contrast with Applicant's Fig4B, 452,458, "*Discard Entropy Encoded data*". The data was encoded before discarding.

### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-10,12,13,15,16, 18 rejected under 35 U.S.C. 103(a) as being unpatentable over

LEE, "TITLE: JPEG 2000 Part I Final Committee Draft Version 1.0" in view of Andrew (PGPUB 20020131084).

() **Regarding Claims 1,10,12,13,18:**

(NOTE: attribute=P101 value specifying COC, COD.

scans=cleanup, significant prop, magnitude refinement.

attribute being separate=P101 Table D-9, AC or raw separately assigned to each scan.

active = P101 Table D-9, AC, raw. inactive=terminate.

"active", "inactive" not defined in claim.)

1. (Currently Amended) A method of compressing image data into a fixed size memory, the image data being arranged into a plurality of scans of bitstream data, (Lee. P93 D.1 "scan") the plurality of scans being ordered from a perceptually most significant scan (Lee. P99 Table D8, "Significance Propagation") to a perceptually least significant scan, (Lee. Table D8, "cleanup")

the method comprising the steps of:

determining whether the scans are active (Lee. Table D8: "AC") or `inactive`; (Table D8: "AC, terminate") based on an attribute (P99, "COD or COC marker signals which termination pattern is used" P 100,101 COC, COD.) associated with each of the scans, the attribute being separate (P101 Table D-9, "AC","raw","terminate" separately assigned to each scan.) from the scan and identifying whether the scan is either active (AC) or `inactive;` (terminate.)

encoding (Lee. Table D9: "Arithmetic Coding") the determined active scans of bitstream data and `discarding` the determined `inactive scans`; (Lee. Table D8: "terminate")

without encoding the inactive scans; …wherein the inactive scans are not encoded. (LEE. P100, "Arithmetic encoder termination". p101 "Table D-9 — Selective arithmetic coding bypass". P171 "arithmetic coding bypass style puts raw bits into the bit stream without arithmetic coding."

Applicant's [456,458] = Andrew's [356,358] "*Discard Entropy Encoded data*". Encoded inactive data is discarded.)

Lee discloses everything as described above except, transferring the encoded scan bitstream data to the fixed size memory; and setting, if the fixed size memory becomes full, the attribute of a currently least significant scan of the active scans to inactive.

Andrew discloses as follows,

transferring the encoded (106) scan bitstream data to the fixed size memory; (110)
([0037] "106 for entropy encoding the transform coefficients produced by the DCT unit 104, a scan output manager 108 for managing the storing of the transform coefficients in the final output buffer 110 of fixed memory size.")

and setting, if the fixed size memory becomes full, the attribute (flag) of a currently least significant scan (insignificant) of the active scans to inactive.
([0066] "...if the scan output manager 108 determines 350 that the free block register 212 is zero the scan output manager 108 sets 352 the active flag entry in the memory management table 200 of the most perceptually insignificant of the active scan streams to inactive.")

As Andrew discloses, if the memory is full, it is desirable to set the most perceptually insignificant of the active scan streams to inactive. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Andrew's method, set "*the active flag entry in the memory management table 200 of the most perceptually insignificant of the active scan streams to inactive*" in Lee's method to efficiently manage limited memory resources.

*All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.*

() **Regarding Claim 2:**

(Currently Amended) A method according to claim 1, wherein the method further comprises the step of: deleting, (overwritten) if the fixed size memory becomes full, the encoded scan bit-stream data of the currently least significant scan. (Andrew's [0015]. "if it is determined the storage is full a coded least perceptually significant partition currently stored in said buffer is overwritten by data from a coded more perceptually significant partition." 358.)

() **Regarding Claim 3:**

3. (Currently Amended) A method according to claim 1, wherein the method further comprises the steps of:

transforming the image; (LEE. P109, DWT)

quantizing the image, said quantizing step employing bit-shifting operations; (p105) and partitioning the quantizing image into the plurality of scans of bitstream data. (p93)

() **Regarding Claim 4:**

4. (Currently Amended) A method according to claim 1, wherein said encoding step further comprises the step of:

entropy encoding (P71. Lee. Table D8: "arithmetic coder") the current scan of bitstream data, if the attribute (P31 Table A-17, "xxxx x0xx" or "xxxx x1xx")

of the current scan is active; (P99 Table D8: "AC".) otherwise: (Table D8: "AC, terminate") proceeding to a next scan of bitstream data.

() **Regarding Claim 5:**

5. (Currently Amended) A method as claimed in claim 1, wherein the encoding step further comprises the step of:

accessing a scan of bitstream data for encoding in accordance with a scan map. (P99 Table D8.)

() **Regarding Claim 6**:

*A method as claimed in claim 1, wherein the image data comprises a plurality of quantizing 8x8 blocks of DCT transformed image data,*

([0040] "The resultant transformed data is preferably quantized according to the JPEG standard."

[0031] "FIG. 7 shows a Table indicating the partitioning of the 8.times.8 DCT blocks of transform coefficients.")

*and wherein the scans comprise at least for each color component of the quantized DCT transformed image data,*

([0043] "AC coefficients (coefficients 1-63) for the Y component (component 0). Similarly, Scan 3 comprises the same for the Cr component (component 1). Similarly, Scan 4 comprises the same for the Cb component (component 2).")

*two scans for the two least insignificant bitplanes of the group of AC coefficients 1 to 32, and two scans for the two least insignificant bitplanes of the group of AC coefficients 33 to 63.*

([0047] "For the remaining scans, each bit plane is separated into three scans … one for coefficients 1 to 5 and one for the remaining AC coefficients (coefficients 6-63)." Andrew does not disclose AC coefficients 1 to 32 and 33 to 63.)

Andrew does not disclose expressly scanning AC coefficients 1 to 32 and 33 to 63. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to scan AC coefficients 1 to 32 and 33 to 63. Applicant has not disclosed that scanning AC coefficients 1 to 32 and 33 to 63 provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the spacing taught by Andrew or the claimed scan AC coefficients 1 to 32 and 33 to 63, because both scans perform the same function of implementing successive approximation mode in JPEG.

Therefore, it would have been obvious to one of ordinary skill in this art to modify

Andrew, scan AC coefficients 1 to 32 and 33 to 63 to obtain the invention as specified in claim 6.

() **Regarding Claim 7**:

7. (Currently Amended) A method according to claim 1 wherein the scans comprise DC most-significant scans, (P99 Table D-8. # = 1) DC refinement scans, (# = 2) AC most-significant scans, (#=3) and AC refinement scans. (# = 4) (P99 Table D-8. "# Pass")

() **Regarding Claim 8**:

8. (Currently Amended) A method according to claim 7: wherein one of the DC most-significant scans is the perceptually most significant scan (P99 Table D-8. #=1) and one of the AC refinement scans is the perceptually least significant Scan. (# = 4)

() **Regarding Claim 9**:

9.(Currently Amended) A method according to claim 2, wherein the image data comprises a plurality of color components ([0038] "color raster image data 102") and said deleting step deletes includes deleting corresponding encoded scan bit-stream data of more than one color component. (102)

() **Regarding Independent Claims 11, 14**:

11. (Currently Amended) A method of storing coded image data of an image in a storage of fixed memory size, wherein the image comprises a plurality of pixels and the method comprises the steps of:

arranging the image into a plurality of bands each comprising a predetermined number N of consecutive lines of pixels;

(Andrew's [0015], "arranging the image into a plurality of bands each comprising a predetermined number N of consecutive lines of pixels;" )

**buffering** and processing the bands one by one in turn, wherein said processing step comprises the following sub-steps for each currently buffered **band**:

(Andrew's [0015], "**buffering** and processing said bands one by one in turn, wherein the processing step comprises the following sub-steps for each currently buffered said **band**:")

arranging the current band into a plurality of blocks of pixels of size MxM, wherein M is equal to the predetermined number N; and

(Andrew's [0015]," arranging the current band into a plurality of blocks of pixels of size MxM, wherein M is equal to said predetermined number N;")

transforming the blocks of pixels to produce respective blocks of transform coefficients;

(Andrew's [0015]," transforming said blocks of pixels to produce respective blocks of transform coefficients;")

**partitioning** the blocks of transform coefficients into a plurality of partitions wherein each partition comprises data from each block of transform coefficients and at least one partition comprises data from at least one but not all bit-planes of each block of transform coefficients, and wherein the plurality of partitions comprise a perceptually significant partition and a

perceptually insignificant partition and partitions of varying perceptual significance

**therebetween**,

(Andrew's [0015], "**partitioning** the blocks of transform coefficients into a plurality of partitions wherein each partition comprises data from each said block of transform coefficients and at least one partition comprises data from at least one but not all bit-planes of each said block of transform coefficients, and wherein the plurality of partitions comprise a perceptually significant partition and a perceptually insignificant partition and partitions of varying perceptually significance **therebetween**;")

and wherein the partitions have associated therewith an attribute (Fig 2: flag 210)

determining whether the partition is active or inactive; (210)

entropy coding each active partition (106) while discarding inactive partitions

([0067] If the entropy encoded stream that just became inactive is the current scan stream, the fragment of entropy encoded data is discarded 358…

Applicant's [456,458] = Andrew's [356,358] "*Discard Entropy Encoded data*".

Encoded inactive data is discarded.)

**managing** the storing of the entropy (106) coded partitions in the storage of fixed memory size, wherein, during the storing of the entropy coded partitions, if it is determined that the storage is full a coded least perceptually significant partition currently stored in the storage is overwritten by data from a coded more perceptually significant **partition**

(Andrew's [0015], "**managing** the storing of the said coded partitions in the storage of fixed memory size, wherein during the storing of said coded partitions if it is determined the storage is full a coded least perceptually significant partition currently stored in said buffer is overwritten by data from a coded more perceptually significant **partition**.")

and the attribute of the overwritten perceptually least significant partition is set to inactive.

(Andrew's [0066] "if the scan output manager 108 determines 350 that the free block register 212 is zero the scan output manager 108 sets 352 the active flag entry in the memory management table 200 of the most perceptually insignificant of the active scan streams to inactive.)

Andrew discloses everything as described above except …*without encoding the inactive partitions*.

LEE discloses, *without encoding the inactive partitions.*

LEE. P100, "Arithmetic encoder termination". p101 "Table D-9 — Selective arithmetic coding bypass". P171 "arithmetic coding bypass style puts raw bits into the bit stream without arithmetic coding."

As LEE discloses, it is desirable to bypass the encoder to minimize the amount of data coded. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use LEE's method in Andrew, delete inactive partitions without encoding.

*All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.*

() **Regarding Claims 15, 16, 17:**

15. (Currently Amended) A computer program product comprising computer readable program code recorded on a machine-readable recording medium, for controlling the operation of a data processing apparatus on which the program code executes to perform a method of … (Andrew. [0021] - [0023])

The rest of limitations of Claims 15, 16 are disclosed in Claim 1.

The rest of limitations of Claim 17 are disclosed in Claim 11.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAX SHIKHMAN whose telephone number is (571)270-1669. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JINGGE WU can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2624

/Max Shikhman/
Examiner, Art Unit 2624
2.23.2009